

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RONALD ELBERTS,

Plaintiff,

v.

Case No. 8:19-cv-1349-T-AEP

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

ORDER

This cause comes before the Court on Plaintiff's Petition for Attorney Fees (Doc. 18). By the motion, Plaintiff seeks attorney's fees in the amount of \$3,827.10 and costs in the amount of \$400 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On December 11, 2019, this Court entered an Order granting the Unopposed Amended Motion for Entry of Judgment with Remand (Doc. 15), reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 16). The Clerk entered judgment in favor of Plaintiff thereafter (Doc. 17). Accordingly, as the prevailing party, Plaintiff now requests an award of fees and costs. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

The Commissioner does not oppose the requested relief. After issuance of an order awarding EAJA fees and costs, however, the United States Department of the Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

ORDERED:

1. Plaintiff's Petition for Attorney Fees (Doc. 18) is GRANTED.

2. Plaintiff is awarded fees in the amount of \$3,827.10. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees (Doc. 18-2).

3. Plaintiff is awarded costs in the amount of \$400.

DONE AND ORDERED in Tampa, Florida, on this 10th day of March, 2020.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record